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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,907	08/16/2001	Raymond L. Higgins	8677.00	1716

26889 7590 12/21/2004

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EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/930,907	Applicant(s) HIGGINS ET AL.	
	Examiner Alain L. Bashore	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-7, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geer in view of Bijmagte and Cahill et al.

Geer discloses a method of operating an electronic check presentment with image interchange system. There is created a number of electronic bundle files based upon captured MICR data associated with items. Cash letter files and captured image data (that is also stored) associated with the items that are processed (col 8, lines 59-67). The files are taught as being combined to create an image presentment file suitable for sending from a sending bank to a receiving bank (col 9, lines 1-9).

Geer et al does not explicitly disclose:

creation of first and second temporary lists that are merged to create a merged list for creating an image presentment file;

generating and storing index data based upon captured MICR data;

creating an electronic bundle file based upon retrieved indexing data and
retrieved MICR data;

Bijnagte discloses creation of first and second temporary lists that are merged to
create a merged list for creating an image presentment file (col 17, lines 15-29).

It would have been obvious to one with ordinary skill in the art to include creation
of first and second temporary lists that are merged to create a merged list for creating
an image presentment file because Bijnagte teaches the need of temporary lists for
merging purposes of data and image files (col 7, lines 17-36).

Cahill et al discloses generating and storing index data based upon captured
MICR data (col 28, lines 47-67; col 29, lines 1-9), and creating an electronic bundle file
based upon retrieved indexing data and retrieved MICR data (col 27, lines 30-39).

It would have been obvious to one with ordinary skill in the art to include
generating and storing index data based upon captured MICR data because Cahill et al
discloses advantages of retrieval (col 29, lines 4-9).

It would have been obvious to one with ordinary skill in the art to include creating an electronic bundle file based upon retrieved indexing data and retrieved MICR data because Cahill et al teaches advantages of bundles (col 27, lines 35-39).

3. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geer in view of Bij nagte and Cahill et al as applied to claims above, and further in view of Jones et al.

Geer, Bij nagte, and Cahill et al do not disclose: retrieving from the image repository any image data that is missing from the merged list.

Jones et al discloses retrieving from the image repository any image data that is missing from the merged list (col 12, lines 40-46).

It would have been obvious to one with ordinary skill in the art to include retrieving from the image repository any image data that is missing from the merged list because Jones et al teaches failure occurrences (col 12, lines 40-46).

Response to Arguments

4. Applicant's arguments filed of record have been fully considered but they are not persuasive.

The rejection of record gives reasons for combining what is not disclosed in the primary reference but is shown in other prior art utilized as part of the art rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

Art Unit: 3624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alain L. Bashore
Primary Examiner
Art Unit 3624